

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	10 Civ. 9277 (LTS) (HBP)
	:	<i>E.C.F. Case</i>
MEMBERS OF THE BOARD OF	:	
REGENTS OF THE UNIVERSITY OF	:	<b>NOTICE OF MOTION</b>
THE STATE OF NEW YORK, in their	:	
official and individual capacities, <i>et al.</i> ,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that defendants the Board of Regents of the University of the State of New York ("Regents"); Meryl H. Tisch, Chancellor of the Board of Regents; David M. Steiner, Commissioner of the New York State Education Department ("SED"); and Elsa Magee, President of the New York State Higher Education Services Corporation ("HESC") (collectively the "State Defendants")<sup>1</sup> will move this Court at the Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an order dismissing the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, together with such further relief as the Court deems just and proper.

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<sup>1</sup> Although the complaint names Chancellor Tisch, Commissioner Steiner, and President Magee in their individual and official capacities, the complaint seeks only injunctive relief of the type properly brought against state officials solely in their official capacities. See Hafer v. Melo, 502 U.S. 21, 27 (1991); Ex Parte Young, 209 U.S. 123, 154 (1908).

Dated: New York, New York  
January 14, 2011

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for the State Defendants  
By:

/S/

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CLEMENT J. COLUCCI  
Assistant Attorney General  
120 Broadway  
New York, New York 10271  
(212) 416-8634  
[Clement.Colucci@ag.ny.gov](mailto:Clement.Colucci@ag.ny.gov)

TO: Roy Den Hollander, Esq.  
Plaintiff *pro se*  
545 East 14<sup>th</sup> Street, 10D  
New York, New York 10009